

RE: TECHNICAL COMMENTS TO THE CALIFORNIA AIR RESOURCES BOARD AIRBORNE TOXIC CONTROL MEASURE (ATCM) FOR MOBILE OFF-ROAD EQUIPMENT GREATER THAN 25 BRAKE HORSEPOWER (BHP)

The following technical comments are provided:

1. Fleet Definition.

Comment: At the 19 July 2005 workshop, CARB requested comments regarding the interpretation of a military fleet. Is it the entire fleet in the state by Department of Defense, specific organization (e.g., Army, Navy, Marines, etc.) or is it broken out by terminal or installation (e.g., military base)?

Discussion: We suggest CARB consider a fleet to consist of equipment associated with a terminal or installation. This appears to be a reasonable approach because individual facilities typically have a dedicated environmental unit that can track individual fleets.

Recommendation: We offer for your consideration, the following:

“Active fleet” means the total, by terminal or installation, of an owner’s vehicles.

“Owner” is defined in Title 13, Division 3, Chapter 3.5, §2180.1(a)21 to mean either (A) the person registered as the owner of a vehicle by the California Department of Motor Vehicles (DMV), or its equivalent in another state, province, or country; or (B) a person shown by the registered owner to be legally responsible for the vehicle's maintenance. The person identified as the owner on the registration document carried on the vehicle at the time a citation is issued shall be deemed the owner unless that person demonstrates that another person is the owner of the vehicle.¹

“Terminal or Installation” means any place or places where the equipment is regularly garaged or maintained, or from which it is operated or dispatched, which may include a private business or residence.

2. Low Use Equipment Definition.

Comment: At the 19 July 2005 workshop, CARB indicated that they were receptive to the creation of an exemption from the ATCM for low use equipment and requested stakeholders provide comments.

Discussion: We suggest a mileage or hourly limitation similar to that provided in the Solid Waste Collection Vehicle ATCM and proposed in the Municipality Fleet ATCM. Off-road equipment has odometers or hourly meters installed providing the required recordkeeping mechanism to ensure accurate tracking.

¹ This definition is incorporated, by reference, in the December 2004 draft Municipality Fleet ATCM. It may not be applicable in this situation as many off-road pieces of equipment are not registered by the DMV.

Recommendation: We offer for your consideration, the following definition for “Low Use Equipment”:

“Low Use Equipment” means the equipment does not exceed 1,000 miles or 50 hours per year. The average is calculated by taking the current year and averaging the previous five years for a particular piece of equipment.

3. Proposed language to the Scope and Applicability Section

Comment: Create a new exclusion section in the proposed ATCM scope and applicability section.

Discussion: We suggest CARB consider inclusion of specific exclusions in the scope and applicability section. Included should be equipment specifically exempt pursuant to the California Vehicle Code and low use vehicles. Addition of this section provides greater clarity to the regulated community.

Recommendation: We offer for your consideration the following language:

Exclusions

a. *This regulation does not apply to off-road equipment specifically exempt pursuant to the California Vehicle Code.*

b. *This regulation does not apply to low use equipment.*

4. Proposed language: Fuel Requirement

Comment: We suggest CARB include fuel requirements consistent with other promulgated ATCMs.

Discussion: DoD facilities throughout the state of California are complying with the CARB ATCMs for stationary and portable equipment. Fuel requirements in these regulations differ significantly from proposed language in the Municipality Fleet ATCM. We suggest CARB consider applying a consistent fuel use requirement for all developing diesel ATCM regulations.

Recommendation: We request CARB consider fuel requirement language as follows:

a. *Fuel Requirements: As of January 1, 200x, an affected source shall use in the off-road active fleet:*

1. CARB Diesel Fuel, or
2. an alternative diesel fuel that meets the requirements of the Verification Procedure, or
3. an alternative fuel, or
4. CARB Diesel Fuel used with fuel additives that meets the requirements of the Verification Procedure, or
5. any combination of a.1 through a.4 above.